

JUDGE CARTER

13 CV 6018 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Docket No.:

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INGRID ROBINSON,

Plaintiff,

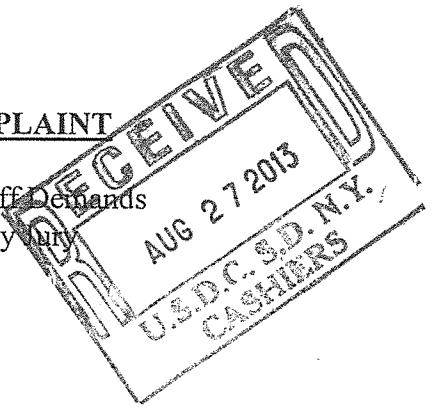
-against-

RE SPA & LASER CENTER, LLC d/b/a
SPA JOLIE,

Defendant.

COMPLAINT

Plaintiff Demands
Trial by Jury



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Plaintiff's complaint, by her attorneys **ROBINSON & YABLON, P.C.**, sets forth that on May 26, 2013 at the RE Spa & Laser Center d/b/a Spa Jolie, LLC located at 180 Seventh Avenue South, New York, New York 10014:

BASIS OF JURISDICTION

1. The jurisdiction of this Court is predicated upon diversity of citizenship pursuant to 28 U.S.C. §1332 as the dispute involves parties from different states and damages in excess of this Court's jurisdictional limits, \$75,000. The plaintiff, INGRID ROBINSON is a resident of the State of Maryland, and the defendant, RE SPA & LASER CENTER, LLC d/b/a SPA JOLIE (hereinafter as "SPA JOLIE"), is a New York corporation with its principal place of business in New York.

2. This case arises from an incident which occurred in defendant's spa which is located in this District.

IDENTITY OF PARTIES

3. At all times hereinafter mentioned, Plaintiff, INGRID ROBINSON was and still is a resident of the State of Maryland.
4. That at all times hereinafter mentioned, defendant, SPA JOLIE owned, operated, leased, maintained and controlled a business establishment operating as a salon and day spa located at 180 Seventh Avenue South, New York, New York 10014.
5. That at all times hereinafter mentioned, defendant, SPA JOLIE held itself out to the public to be a competent provider of spa treatments and services.
6. That at all times hereinafter mentioned, defendant, SPA JOLIE, its staff, employees and agents offered, provided and performed massage treatments on customers by and through the use of massage tables which defendant, SPA JOLIE owned.
7. That at all times hereinafter mentioned, INGRID ROBINSON paid defendant SPA JOLIE to receive a massage treatment.
8. That on May 26, 2013, while plaintiff, INGRID ROBINSON was a patron inside defendant's establishment, she was caused to sustain severe permanent personal injuries when defendant's improperly maintained massage table collapsed while she was receiving a massage.

9. That on May 26, 2013 plaintiff, INGRID ROBINSON was severely injured due to the negligence, carelessness and recklessness of the defendant, its staff, employees and agents, in the ownership, operation, supervision, maintenance and control of their spa and the aforementioned massage table.

10. That the aforementioned defendant and its staff, employees and agents, negligently, carelessly and recklessly provided and performed massage treatment services upon plaintiff which was not compliant with industry standards.

11. That the aforementioned defendant and its staff, employees and agents, negligently, carelessly and recklessly provided and performed massage treatment services upon plaintiff which deviated from accepted standards in the spa industry in their maintenance and upkeep of its equipment.

12. That on May 26, 2013 and for sometime prior thereto, the defendant SPA JOLIE and its staff, employees and agents, negligently, carelessly and recklessly provided and performed massage treatment services using an unsecured table which was unsafe and unsuitable for use with its patrons.

13. That on May 26, 2013 and for sometime prior thereto, the defendant SPA JOLIE, its staff, employees and agents, knew or should have known of the dangerous, hazardous and unsafe practices and procedures being used at the spa, and more particularly, the unsecured and unlocked table which was unsafe and unsuitable for use with its patrons.

14. That the aforementioned occurrence involving plaintiff, INGRID ROBINSON was caused as a result of the negligence, carelessness and recklessness of the defendant in allowing massage to be administered in a dangerous, hazardous and unsafe manner.

15. That on May 26, 2013 and for sometime prior thereto the defendant SPA JOLIE was negligent, careless and reckless in hiring untrained and unskilled staff, employees and agents, to administer massage services.

16. The injuries sustained by plaintiff, INGRID ROBINSON were caused solely by the negligence of the defendant, in its ownership, operation, supervision, maintenance and control of its spa without any negligence on the part of plaintiff, INGRID ROBINSON contributing thereto.

17. As a result of the defendant's negligence, plaintiff, INGRID ROBINSON has suffered permanent and lasting injuries which have rendered her sick, sore, lame and disabled, conditions with which she so remains; sustained severe injuries in and to the body and limbs, and to the nervous and psychic systems; suffered and still suffers, and will continue to suffer severe physical and mental pain; was obliged to, did and will continue to undergo extensive medical treatment and attention.

18. That defendant is additionally liable to plaintiff based upon the theory of *res ipsa loquitur*.

WHEREFORE, Plaintiff, INGRID ROBINSON demands judgment against the Defendant, RE SPA & LASER CENTER, LLC d/b/a SPA JOLIE in the sum of SIX MILLION DOLLARS (\$6,000,000.00) along with such other and further relief as may be granted by the Court, including but not limited to the costs and disbursements of this action.

Dated: New York, New York
August 27, 2013

ROBINSON & YABLON, P.C.
Attorneys for Plaintiff

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